

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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JAMES REEVES	*	
on behalf of B.E.R.,	*	No. 12-702V
Petitioner,	*	Special Master Christian J. Moran
	*	

v.	*	Filed: February 26, 2016
	*	

SECRETARY OF HEALTH	*	Attorneys' fees and costs; award in
AND HUMAN SERVICES,	*	the amount to which respondent
	*	has not objected
Respondent.	*	
	*	

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Anne C. Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;
Jennifer Leigh Reynaud, U.S. Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Petitioner, James Reeves, on behalf of B.E.R., filed an unopposed amended application for final attorneys' fees and costs in the above-captioned matter on February 16, 2016. Previously, Mr. Reeves filed an application for attorneys' fees and costs. Upon review of petitioner's application, respondent raised objections to certain items. Based on discussions with respondent, petitioner amended his application to request \$43,500.00, an amount to which respondent does not object. The Court awards this amount.

Mr. Reeves filed for compensation, on behalf of B.E.R., on October 17, 2012, alleging that B.E.R. was injured by the diphtheria, tetanus, and acellular pertussis vaccine she received on or about April 5, 2012. Petitioner received compensation based upon the parties' stipulation. Decision, issued October 9,

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

2015. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$43,500.00**, in attorneys' fees and costs for his counsel. Petitioner did not advance any monies in reimbursable costs in pursuit of his claim, pursuant to General Order #9. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$43,500.00, in the form of a check made payable to petitioner and petitioner's attorney, Anne C. Toale, of Maglio Christopher and Toale, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

Any questions may be directed to my law clerk, Shannon Proctor, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.